

### REMARKS

Claims 10-22 and 33-51 are pending. Claims 10-22 are rejected under 35 U.S.C. §103(a). Claims 10-13 and 16-20 are currently amended. New Claims 33-41 correspond to previous claims 1-9. New claims 42-51 correspond to previous claims 23-32. Claims 1-9 and 23-32 are cancelled without prejudice.

Independent claims 10 and 16 are rejected as unpatentable under 35 U.S.C. §103(a) over Osthoff et al. (U.S. Pat. No. 6,126,310) in view of Lockhart et al. (U.S. Pat. No. 6,161,207). Independent claim 10 is amended to recite "A data communication apparatus, comprising: an input for receiving original data bits that are to be transmitted via a communication channel to another data communication apparatus; an encoder coupled to said input for applying to the original data bits an encoding algorithm that produces parity bits; an output for providing bits that are to be transmitted across the communication channel; and a data path coupled between said encoder and said output, said data path receiving information from said another data communication apparatus, said data path selecting one of the original data bits with Cyclical Redundancy Check (CRC) bits and the parity bits in response to a first information, said data path selecting the other of the original data bits with CRC bits and the parity bits in response to a second information, to be provided to said output for transmission across the communication channel to said another data communication apparatus." (emphasis added). Independent claim 16 includes similar limitations.

The foregoing emphasized limitations are explained in detail at paragraph [0066] with reference to Figure 12 of U.S. Pub. No. 2003/0206561. Neither Osthoff et al. nor Lockhart et al. disclose these features of the claimed invention. Thus, claims 10-22, as amended, are patentable under 35 U.S.C. §103(a).

New claims 33-51 are similar to previous claims 1-9 and 23-32. They are rewritten to more specifically define embodiments of the present invention as described at paragraphs [0066] through [0070] of U.S. Pub. No. 2003/0206561.

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In view of the foregoing, applicants respectfully request reconsideration of claims 10-22 and allowance of claims 10-22 and 33-51. If Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



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